

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3555 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not? No
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3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

PRAVINCHANDRA BABULAL GOHEL

Versus

STATE OF GUJARAT

Appearance:

MR YF MEHTA for Petitioner

Mr. L.R. Poojari, APP for Respondent No. 1

CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 04/09/98

ORAL JUDGEMENT

Rule. Mr. Panchal, learned advocate representing opponent No.2 and Mr. Poojari, learned APP for the opponent No.1 waive the service of Rule. The petitioner, as alleged filed the complaint in Rajkot Taluka police station against the opponent No.2, and one another person for the offences under Section 365, 342, 323, 504, 506(2), 201 read with Section 114 of the Indian Penal Code. After the FIR was lodged, the police started investigation. The petitioner then realised that in his name a false complaint was lodged before the police and investigation was in progress. According to him no wrong was done to him and no offence qua him was committed by the opponent No.2. He therefore on 15th July 1998 sent a letter by Registered A.D. to D.G.P., Gujarat State, Ahmedabad, informing him that he did not file the complaint against the opponent No.2 and one another, and using his name someone might have lodged the complaint. In fact no wrong was done to him by any one and the investigation that was in progress was required to be stopped and wound up. It seems as no appropriate order was passed, he filed this application for quashing the complaint alleged to have been filed mis-using his name without his knowledge or consent, as well as the FIR lodged with Rajkot Taluka police station which is registered as Crime Register No. I-356/98.

2. When the complainant says that he has not filed the complaint and his advocate accordingly submits before this court, it would be futile to have the investigation at length and then have hearing before the court after the chargesheet is filed, because whatever would be done hereinafter undergoing procedural formalities would in view of the submissions made on behalf of the petitioner be the futile exercise or unproductive efforts; and at last the result would be the same namely, acquittal. In view of the matter, better it would be, the FIR is quashed and chapter is closed at this stage rather than the same is switched over to a future date after a long period. For the aforesaid reasons, this application is required to be allowed for doing real justice, and the same is accordingly allowed. The FIR registered as Crime Register No. I-356/98 in Rajkot Taluka police station is hereby quashed. The police shall now wind up the investigation. Rule accordingly made absolute.

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